

10/579508

AP20 Rec'd PCT/PTO 16 MAY 2006

PATENT

Customer No. 22,852

Attorney Docket No. 07680.0034-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| YAEGER et al. |) | Group Art Unit: Not Yet Assigned |
| |) | |
| Application No.: Not Yet Assigned |) | Examiner: Not Yet Assigned |
| (U.S. National of International Application |) | |
| No. PCT/US2004/038059) |) | |
| |) | |
| Filed: Herewith |) | Confirmation No.: Not Yet Assigned |
| |) | |
| For: SKELETAL MUSCLE-DERIVED | | |
| CELLS AND METHODS RELATED | | |
| THERE TO | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed on the same date as the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

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documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 16, 2006

By: 
Konstantin M. Linnik
Reg. No. 56,309

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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO | | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Application Number | Not Yet Assigned 10/579508 |
| | | | | Filing Date | Herewith |
| | | | | First Named Inventor | Peter C. Yaeger |
| | | | | Art Unit | Not Yet Assigned |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 07680.0034-00000 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
|---|--------------------------|--|--|--|---|
| Examiner Initials ¹ | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

| FOREIGN PATENT DOCUMENTS | | | | | | |
|-----------------------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
| Examiner Initials ¹ | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
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| NON PATENT LITERATURE DOCUMENTS | | | |
|-----------------------------------|--------------------------|---|--------------------------|
| Examiner Initials ¹ | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | International Search Report for PCT/US2004/038059, mailed 4 March 2005 from the International Searching Authority of the European Patent Office. | |
| | | Kaufman et al., "Replicating Myoblasts Express a Muscle-Specific Phenotype," Proc. Natl. Acad. Sci., 85:9606-9610 (1988). | |
| | | McLennan et al., "The Transforming Growth Factor-betas: Multifaceted Regulators of the Development and Maintenance of Skeletal Muscles, Motoneurons and Schwann Cells, Int. J. Dev. Biol., 46:559-567 (2002). | |
| | | Rousse et al., "Transforming Growth Factor- β Inhibition of Insulin-Like Growth Factor-Binding Protein-5 Synthesis in Skeletal Muscle Cells Involves a c-Jun N-Terminal Kinase -Dependent Pathway," J. Biol. Chem., 276:46961-46967 (2001). | |
| | | Stewart et al., "Characterization of Proliferating Human Skeletal Muscle-derived Cells In Vitro: Differential Modulation of Myoblast Markers by TGF- β 2," J. Cell. Physiol. 196:70-78 (2003). | |
| | | Yaeger et al., "Characterization and Phenotypic Modulation of Adult Cardiac (Myo)Fibroblasts for Injection into Infarcted Heart Tissue," Tissue Engineering, 6:681 (2000). | |

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.